

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

)	
In re:)	Chapter 11
SEARS HOLDINGS CORPORATION,)	
<i>et al.</i> ,)	Case No. 18-23538 (RDD)
)	(Jointly Administered)
Debtors.)	
)	
)	
Sears Holding Corp., et al.,)	Adversary Proceeding
)	No. 19-08250 (RDD)
Plaintiffs,)	
)	
v.)	
)	
Edward Scott Lampert, et al.,)	
Defendants.)	

**STIPULATION AND ORDER FOR
VOLUNTARY DISMISSAL**

Pursuant to Federal Rule of Civil Procedure 41(a)(1), made applicable in this adversary proceeding by Federal Rule of Bankruptcy Procedure 7041, the undersigned counsel hereby stipulate to the voluntary dismissal of the above-captioned action as to all named Defendants. This matter is dismissed as to Defendants with prejudice. The parties agree to bear their own attorneys' fees, costs, and expenses.

Dated: October 6, 2022

AKIN GUMP STRAUSS HAUER & FELD LLP

/s/ David M. Zensky

David M. Zensky
Joseph L. Sorkin
Dean L. Chapman Jr.
One Bryant Park
New York, New York 10036
Telephone: (212) 872-1000
Facsimile: (212) 872-1002
Email: dzensky@akingump.com
jsorkin@akingump.com
dchapman@akingump.com

*Counsel to the Plaintiffs (as to all Defendants except
the Cyrus Defendants)*

HERRICK, FEINSTEIN LLP

/s/ Sean E. O'Donnell

Sean E. O'Donnell
Christopher W. Carty
Kyle J. Kolb
2 Park Avenue
New York, New York 10016
Telephone: (212) 592-1400
Facsimile: (212) 592-1500
Email: sodonnell@herrick.com
ccarty@herrick.com
jdangelo@herrick.com
kkolb@herrick.com

*Counsel to the Plaintiffs (as to the Cyrus
Defendants)*

WILMER CUTLER PICKERING
HALE AND DORR LLP

/s/ Philip D. Anker

Philip D. Anker
Noah A. Levine
Ryanne E. Perio
7 World Trade Center
250 Greenwich Street
New York, New York 10007
Telephone: (212) 230-8800
Facsimile: (212) 230-8888
Email: philip.anker@wilmerhale.com
noah.levine@wilmerhale.com
ryanne.perio@wilmerhale.com

Counsel to Edward Lampert and the ESL Defendants

CRAVATH, SWAINE & MOORE

/s/ Evan R. Chesler

Evan R. Chesler
J. Wesley Earnhardt
Jeffrey A. Ritholtz
Worldwide Plaza
825 8th Ave.
New York, NY 10019
(212) 474-1000
(212) 474-3700
Email: jritholtz@cravath.com
wearnhardt@cravath.com
echesler@cravath.com

*Counsel to Ann N. Reese; Paul DePodesta; and
William C Kunkler III*

DEBEVOISE & PLIMPTON LLP

/s/ Sidney P. Levinson

Sidney P. Levinson
Erica S. Weisgerber
919 Third Avenue
New York, New York 10022
(212) 909-6000
Email: slevinson@debevoise.com
eweisgerber@debevoise.com

Counsel to Cascade Investment, LLC

JOSEPH HAGE AARONSON LLC

/s/ Gregory P. Joseph

Gregory P. Joseph
Rachel M. Cherington
Courtney A. Solomon
485 Lexington Avenue, 30th Floor
New York, NY 10017
Telephone (212) 407-1210
Facsimile: (212) 407-1280
Email: gjoseph@jhany.com
rcherington@jhany.com
csolomon@jhany.com

Counsel to Cesar L. Alvarez

O'MELVENY & MYERS LLP

/s/ Andrew J. Frackman

Andrew J. Frackman

Daniel S. Shamah

Lauren M. Wagner

7 Times Square

New York, NY 10036

Telephone: (212) 326-2000

Facsimile: (212) 326-2061

Email: afrackman@omm.com

dshamah@omm.com

lwagner@omm.com

*Counsel to Thomas Tisch and Benefit Street 2018,
LLC*

SEWARD & KISSEL LLP

/s/ Mark J. Hyland

Mark J. Hyland

Thomas Ross Hooper

Noah S. Czarny

Robert J. Gayda

One Battery Park Plaza

New York, New York 10004

Telephone: (212) 574-1200

Facsimile: (212) 480-8421

Email: hyland@sewkis.com

hooper@sewkis.com

czarny@sewkis.com

gayda@sewkis.com

*Counsel to Bruce Berkowitz and the Fairholme
Defendants*

DAVIS POLK & WARDWELL LLP

/s/ Elliot Moskowitz
Elliot Moskowitz
450 Lexington Avenue
New York, NY 10017
Email: elliot.moskowitz@davispolk.com

- and -

PARSONS MCENTIRE MCCLEARY PLLC

/s/ Robert M. Rosen
Sawnie McEntire
Robert M. Rosen (admitted *pro hac vice*)
1700 Pacific Ave.
Ste. 4400
Dallas, TX 75201
(214) 237-4300
(214) 237-4340
Email: smcentire@pmmlaw.com
rrosen@pmmlaw.com

Counsel to Cushman & Wakefield, Inc.

MILBANK

/s/ Eric R. Reimer
Thomas R. Kreller
Andrew M. Leblanc
Eric R. Reimer
2029 Century Park East
33rd Floor
Los Angeles, CA 90067
Email: tkreller@milbank.com
aleblanc@milbank.com
ereimer@milbank.com

Counsel to the Cyrus Defendants

ROPES & GRAY

/s/ Timothy Farrell

Timothy Farrell
191 North Upper Wacker Dr.
32nd Floor
Chicago, IL 60606
(312) 845-1200
(312) 845-5500
Email: timothy.farrell@ropesgray.com

- and -

Andrew Devore
Prudential Tower
800 Boylston Street
Boston, MA 02199
(617) 951-7000
(617) 951-7050
Email: andrew.devore@ropesgray.com

Counsel to Duff & Phelps, LLC

KAPLAN RICE

/s/ Michelle A. Rice

Michelle A. Rice
Howard J. Kaplan
142 West 57th Street
Suite 4A
New York, NY 10019
(212) 235-0300
Email: mrice@kaplanrice.com
hkaplan@kaplanrice.com

*Counsel to Joseph Jordan, Lawrence Meerschaert,
and Leena Munjal*

HOLWELL SHUSTER & GOLDBERG LLP

/s/ Matthew Gurgel

Michael S. Shuster

Vincent Levy

Matthew Gurgel

425 Lexington Avenue

New York, New York 10017

Telephone: (646) 837-5151

Facsimile: (646) 837-5150

Email: mshuster@hsgllp.com

vlevy@hsgllp.com

mgurgel@hsgllp.com

Counsel to Kunal Kamani

GAIR EBERHARD NELSON DEDINAS LTD

/s/ Chris Gair

Chris Gair

Jeffrey S. Eberhard

1 E. Wacker Drive, Suite 2600

Chicago, IL 60601

Telephone: (312) 600-4900

Email: cgair@gairlawgroup.com

jeberhard@gairlawgroup.com

*Counsel to Robert Reicker, Robert Schriesheim, and
Scott Huckins*

FRIED, FRANK, HARRIS, SHRIVER &
JACOBSON LLP

/s/ Michael C. Keats

Brad Eric Scheler
Scott B. Luftglass
Michael C. Keats
One New York Plaza
New York, New York 10004-1980
(212) 859-8000
Email: brad.eric.scheler@friedfrank.com
scott.luftglass@friedfrank.com
michael.keats@friedfrank.com

Counsel to the Seritage Defendants

SULLIVAN & CROMWELL LLP

/s/ Robert A. Sacks

Robert A. Sacks
Brian Glueckstein
125 Broad Street
New York, NY 10004
(212) 558-4000
(212) 558-3588
Email: sacksr@sullcrom.com
gluecksteinb@sullcrom.com

Counsel to Steven Mnuchin

SO ORDERED

Dated:

HONORABLE SEAN H. LANE
UNITED STATES BANKRUPTCY JUDGE